



## RESPONSES TO INFORMATION REQUESTS (RIRs)

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### IND103131.E

India: Reports of police seizing passports of political dissidents or suspected terrorists to prevent their departure from India

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

The provisions of India's *Passports Act, 1967* allow for passport authorities, which includes the Central Government of India, to impound or revoke a passport

(a) if the passport authority is satisfied that the holder of the passport or travel document is in wrongful possession thereof;

(b) if the passport or travel document was obtained by the suppression of material information or on the basis of wrong information provided by the holder of the passport or travel document or any other person on his behalf;

[Provided that if the holder of such passport obtains another passport the passport authority shall also impound or cause to be impounded or revoke such other passport]

(c) if the passport authority deems it necessary so to do in the interests of the sovereignty and integrity of India, the security of India, friendly relations of India with any foreign country, or in the interests of the general public;

(d) if the holder of the passport or travel document has, at any time after the issue of the passport or travel document, been convicted by a court in India for any offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than two years;

(e) if proceedings in respect of an offence alleged to have been committed by the holder of the passport or travel document are pending before a criminal court in India.

(f) if any of the conditions of the passport or travel document has been contravened;

(g) if the holder of the passport or travel document has failed to comply with a notice under sub-section (1) requiring him to deliver up the same;

h) if it is brought to the notice of the passport authority that a warrant or summons for the appearance, or a warrant for the arrest, of the holder of the passport or travel document has been issued by a court under any law for the time being in force or if an order prohibiting the departure from India of the holder of the passport or other travel document has been made by any such court and the passport authority is satisfied that a warrant or summons has been so issued or an order has been so made. (India 24 June 1967)

Three reports of police seizing the passports of political dissidents or suspected terrorists were found among the sources consulted by the Research Directorate (*The Hindu* 18 June 2008; *ibid.* 11 June 2008; *Express India* 20 Nov. 2008). Sources indicate that the police arrested two individuals in June 2008 in Jagraon, Punjab for the possession of explosives (*The Hindu* 18 June 2008; *The Tribune* 20 June 2008). The police allege that the two arrested individuals had plans to target a religious leader (*The Hindu* 18 June 2008). A 20 June 2008 article in *The Tribune* reports that the police recovered four passports from the house of one of the arrested individuals.

South Asia Terrorism Portal (SATP), a website that publishes information on terrorism and low-level warfare in South Asia (n.d.a), indicates that on 9 June 2008 the Rajasthan police investigating the 13 May 2008 Jaipur blasts formally arrested an individual who had been detained under the provisions of the *Passports Act* since late May 2008 (n.d.b). The police recovered two forged passports from the arrested individual (SATP n.d.b; *The Hindu* 11 June 2008). In a separate incident, on 19 November 2008, the Kolkata police arrested an ISI [Pakistan's Inter Services Intelligence] agent and recovered three allegedly forged Bangladeshi passports from him (SATP n.d.c; *Express India* 20 Nov. 2008). The arrested individual is reportedly a "specialist" in acquiring confidential military information in Bengal (*ibid.*; see also SATP n.d.c).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

#### References

*Express India* [Kolkata]. 20 November 2008. "ISI Man Held Near New Market." <<http://www.expressindia.com/latest-news/isi-man-held-near-new-market/388144/>> [Accessed 29 Apr. 2009]

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*The Tribune* [Chandigarh]. 20 June 2008. "Explosives Case: Passports of Four Youths Seized." <<http://www.tribuneindia.com/2008/20080621/ldh1.htm>> [Accessed 27 Apr. 2009]

#### Additional Sources Consulted

**Oral source:** The Canadian High Commission in New Delhi did not have information on this subject.

**Internet sites, including:** *Asia Times* [Hong Kong], British Broadcasting Corporation (BBC), *The Economist* [London], European Country of Origin Information Network (Ecoi.net), Global Security.org, The Hudson Institute, INTERPOL, *Jane's Terrorism and Security Monitor*, Ministry of Home Affairs - India, Passport Authority of India, Transparency International (TI), United Kingdom (UK) Border Agency, United Nations (UN) Integrated Regional Information Networks (IRIN), United States (US) Department of State.

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